

July 6 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No. OP 10-0288

STATE OF MONTANA,

Petitioner,

v.

MONTANA EIGHTEENTH JUDICIAL  
DISTRICT COURT, GALLATIN  
COUNTY, and THE HONORABLE  
MIKE SALVAGNI, Presiding Judge,

Respondents.

O R D E R

FILED

JUL 06 2010

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CLERK OF THE SUPREME COURT  
STATE OF MONTANA

The State of Montana has filed herein a petition for writ of supervisory control in relation to Cause No. DC-09-033AX, Eighteenth Judicial District Court, Gallatin County. The petition challenges a pre-trial ruling by the District Court which suppressed certain categories of evidence which the State intended to introduce at trial in the prosecution of the deliberate homicide charge filed in that case.

The petition notes that the State is not challenging the District Court's suppression of certain other evidence. The State argues that the suppressed evidence challenged by the petition is admissible under the transaction rule, and that this Court should issue an order correcting the District Court's mistake of law to permit introduction of the evidence.

We have reviewed the petition and agree that the District Court's evidentiary ruling is a significant matter. However, we perceive that the issue of admissibility also inevitably raises the questions of the scope and applicability of M. R. Evid. 404(b), as well as the transaction rule. We thus believe it is necessary to order "more extensive briefing" pursuant to M. R. App. P. 14(7)(b). Therefore,

IT IS HEREBY ORDERED that the State is granted thirty (30) days to file supplemental briefing addressing the scope and applicability of M. R. Evid. 404(b) to any of the evidence it has challenged by the petition.

IT IS FURTHER ORDERED that Respondents and/or Shanara Rose Anderson, the Defendant in the District Court proceeding, are granted thirty (30) days thereafter to respond to the State's petition and supplemental briefing.

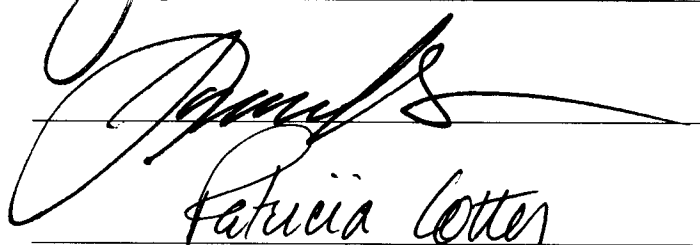
IT IS FURTHER ORDERED that the District Court record shall be transmitted to the Clerk of this Court for use in this proceeding.

The Clerk is directed to provide copies of this Order to the Respondent District Court, Honorable Mike Salvagni, District Judge, presiding, counsel for Shanara Rose Anderson in Gallatin County Cause No. DC-09-033AX, and the Office of the Montana Attorney General.

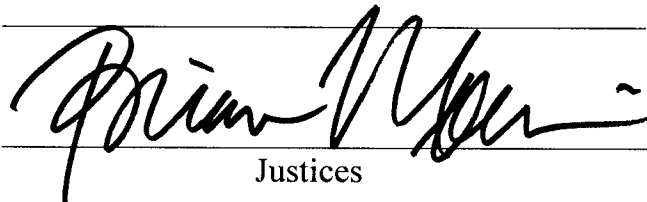
DATED this 6<sup>th</sup> day of July, 2010.



Chief Justice



Patricia Cotten



Justices